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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/894,696      | 06/28/2001  | Keith Johnson        | 915.387             | 6433             |

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| EXAMINER |
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CHIANG, JACK

| ART UNIT | PAPER NUMBER |
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2642

8

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

|                              |                            |
|------------------------------|----------------------------|
| Application No.<br>09/894696 | Applicant(s)<br>K. Johnson |
| Examiner<br>J. Chiang        | Group Art Unit<br>2642     |
| # 8                          |                            |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Response**

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

Responsive to communication(s) filed on 6-28-04.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1-15 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-15 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of References Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

**Office Action Summary**

**CLAIMS**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown (GB 2225192A).

Regarding claim 1, Brown shows an electronic device (fig. 1) comprising:

A housing (100);

A transducer (300);

A retainer (200) for mounting the transducer (300) on the housing (100);

The retainer (200) including a first portion (210) for co-operation with a second portion (120) on the housing (100) to attach the retainer (200) to the housing (100) over the transducer (300).

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3. Claims 1-9, 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Seo (US 6061460).

Regarding claim 1, Seo shows an electronic device (10) comprising:

A housing (12, 20);

A transducer (26);

A retainer (60) for mounting the transducer (26) on the housing (20);

The retainer (60) including a first portion (70) for co-operation with a second portion (66, 76) on the housing (20) to attach the retainer (60) to the housing (20) over the transducer (26).

Regarding claims 2-9, 12-15, Seo shows:

The first and second portions (70; 66, 76);

The rotation of the retainer (60, col. 5, lines 46-51) attaches it to the housing (20);

A substantially planar portion or ring (62);

A bayonet type of fitting or lugs (70) which are spaced equally from the ring (62);

The lugs (70, 72) having a tapered surface (see 72);

A circular seat (receiving 50);

Cylindrical wall (created by 50, 66, 76) and sockets (between 50, 66);

The socket having opening (between 50, 66) for receiving the first portion (see fig. 5);

The portable computer (10) having the speaker (26) is meant to function as a phone in today's computers;

Placing the transducer on the housing, moving the retainer toward the housing, and rotate the retainer to connect the retainer to the housing are all shown by Seo.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo in view of Wijas et al. (US 5081674).

Regarding claims 10-11, Seo the retainer (60).

Seo differs from the claimed invention it does not show a spring.

However, Wijas teaches providing a retainer (202) having a spring (206).

Hence, it would have been obvious for one of ordinary skill in the art to modify Seo's retainer with a spring as taught by Wijas, such modification would insulate the speaker from the housing so that acoustic vibration does not degrade the performance of the device (col. 3, lines 20-23 in Wijas).

6. The restriction dated on 06-01-04 is made final. Claims 16-25 had been canceled.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728.

The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Chiang  
Primary Examiner  
Art Unit 2642